

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: March 13, 2014

Agenda Item: Clark Fork River and Warm Springs Wildlife Management Area Closure Rules

Division: Fisheries

Action Needed: Propose Rules

Time Needed on Agenda for this Presentation: 20 minutes

Background

On June 5, 2013 the FWP Commission adopted an annual rule closing a 1.75 mile section of the Clark Fork River and a small portion of the Warm Springs Wildlife Management Area. The closure was requested by the Department of Environmental Quality (DEQ), which is conducting a multi-phase cleanup project to remove contaminated soils in the streambanks and historic floodplain within the Clark Fork River near the community of Warm Springs. The project is part of the Milltown Reservoir/Clark Fork River Superfund Site. The purpose of the closure was to prevent the public from entering the construction area and encountering haul trucks, heavy equipment and other hazardous conditions associated with phase one of the superfund cleanup. The construction period of Phase 1 is complete. DEQ is now requesting that the commission continue the Phase 1 river closure through September 15, 2015, which would allow time for planted vegetation to become established without impacts from anglers and other members of the recreating public. The closed portion of the WMA would reopen beginning June 6 of this year. DEQ is also requesting that the commission consider additional rules for public safety purposes during Phases 2, 5 and 6 of the superfund project that would:

Close the Clark Fork River and its banks from December 1, 2014 through September 15, 2016 for 1.9 river miles starting at the river's upstream boundary with the Warm Springs WMA and proceeding downstream to Perkins Lane (Phase 2).

Close the road accessing the eastern portion of the wildlife management area from December 1, 2014 through September 15, 2015 (Phase 2).

Close the portion of land south of the road closure to the downstream boundary of the wildlife management area from December 1, 2014 through September 15, 2015 (Phase 2). The Job Corp Ponds portion of the WMA will remain open through the closure for angling opportunity and waterfowl hunting only with road access from the north end of the Job Corp Ponds via Perkins Lane.

Close the Clark Fork River and its banks from July 15, 2014 through July 15, 2016 starting where the river flows under the Gemback Road and proceeding downstream for 4.5 river miles (Phases 5 and 6).

Public Involvement Process & Results

FWP would invite the public to provide comments on the proposed rules.

Alternatives & Analysis

The commission could choose not to propose the rules, or modify the rules. These alternatives could make it difficult for DEQ to complete the superfund cleanup and might result in unsafe conditions for the recreating public. The contractor, needing to comply with safety regulations, could cease cleanup efforts.

Agency Recommendation & Rationale

FWP recommends that the commission propose the rules requested by DEQ as presented by FWP. The rules would address public safety concerns and aid restoration efforts. FWP has worked with DEQ to identify closure dates that minimize impacts on public recreation while still addressing public safety and resource protection.

Proposed Motion

I move that the commission propose the rules requested by DEQ and presented by FWP that would close portions of the Clark Fork River and the Warm Springs WMA related to Phases 1, 2, 5 and 6 of the Milltown Reservoir/Clark Fork River Superfund Site.